

**MANDATE**

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

S.D.N.Y.-N.Y.C.

07-cv-9403

Wood, C.J.

FILED

APR 24 2008

Catherine O'Hagan Wolfe, Clerk  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 24<sup>th</sup> day of April, two thousand eight,

Present:

Hon. Dennis Jacobs,  
*Chief Judge*,  
Hon. Robert A. Katzmann,  
Hon. Barrington D. Parker,  
*Circuit Judges.*

Alexander Jhoanni Pacheco,

*Petitioner-Appellant,*

v.

08-0025-pr

Michael B. Mukasey, United States  
Attorney General, Immigration and  
Naturalization Service,

*Respondents-Appellees.*

Petitioner, *pro se*, moves for leave to proceed *in forma pauperis* and for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By:

A TRUE COPY  
Thomas Asreen, Acting Clerk

by   
Gisiane Phillips  
Deputy Clerk

-ISSUED AS MANDATE- JUL 22 2008 -